

Jay(Jie) YU Partner

Dispute Resolution | Intellectual Property Antitrust and Competition



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📍 Shanghai

Jay(Jie) Yu is a partner at Merits & Tree. Prior to joining M&T, Mr. Yu was a partner at Guantao Law Firm. He also worked at an international law firm in its New York office and as a visiting associate at Monckton Chambers in London.

Mr. Yu has rich experience in dispute resolution and has successfully advocated in many complex cases involving finance, commercial, intellectual property rights ("IPR") etc. When handling cases, he can accurately understand the business needs of clients, and is good at making innovative and feasible litigation strategies for clients by digging up the facts of cases.

Mr. Yu is particularly skilled in corporate-related disputes and complex commercial disputes involving multi-jurisdictional coordination. He has rich experience in shareholder disputes, international arbitration, cross-border litigation, recognition and enforcement of foreign judgments, and recovery of overseas assets. In the field of IPR, Mr. Yu has in-depth research and rich experience in handling cases involving AI and new business models.

Achievements

- Represented as a defense lawyer in the second trial of a criminal case of management embezzlement in front of the Shanghai High Court. Upon decision of the court's Trial Committee, the court decided to revoke the original judgment and remand the case for retrial. This is the only criminal case where the Shanghai High Court has revoked the original judgment in the second trial in the past 15 years. The amount involved in the case is approximately RMB 700 million;
- Represented a financial institution in initiating arbitration at SHIAC over a cross-border guarantee case and applied for enforcement of the arbitration award in the courts of the Hong Kong Special Administrative Region and the British Virgin Islands (with a case

value of tens of billions of RMB);

- Handled the overseas enforcement of an equity repurchase dispute judgment for a state-owned financial company, involving jurisdictions including the Cayman Islands, Taiwan Province of China, and the Hong Kong SAR (with a case value of over RMB 200 million);
- Represented an investment institution in handling a securities false statement liability dispute lawsuit against a public listed company, with the case amount exceeding RMB 600 million;
- Represented an asset management company to handle a securities investment fund transaction dispute in the retrial litigation in front of the Shanghai High Court, where the key issue in dispute being whether there are damages (and how to decide on the scope of damages in advance) if the loss caused by the manager's violation of the obligation of appropriateness has not yet been determined;
- Constantly represented investment institutions to handle case of litigations or arbitrations such as fund investment contract disputes, entrusted wealth management contract disputes, asset management contract disputes;
- Represented a major state-owned financial asset management company to handle shareholders' derivative dispute and corporate dissolution dispute, with the dispute amount exceeding RMB 100 million;
- Represented an internationally renowned toy retailer to handle a retrial case of a contract dispute, where the issue in dispute being the validity and enforceability of a key commercial provision in its business in China, and won a satisfying outcome for the client at the retrial stage after the case was lost at first and second instance;
- Represented a well-known food company chain enterprise and its founders in a series of corporate and shareholder litigations in Cayman Islands.
- Represented a PRC infrastructure company in a trade secret dispute litigation in the PRC court against a U.S. leading power corporation;
- Represented a copyright infringement dispute litigation in China between a copyright owner and a Multi-Channel Network (MCN) entity, which was the first of its kind;
- Constantly represent a leading online streaming platform in IPR and competition disputes;
- Constantly represent domestic and international software copyright owners in copyright infringement disputes and litigations in China;
- Assisted King's Counsels in representing litigations and international arbitrations, including Apple Operations Europe v. Commission, during his work at Monckton Chambers;
- Represented a national renowned film director in a series of trademark invalidation disputes.
- Acted for Pfizer and Wyeth in carrying out FCPA compliance due diligence, established and improved the corporate compliance system as the company's compliance advisor for mainland China.
- Represented a domestic famous appliance retailer and international leading medical device manufacturers to deal with the administrative investigation conducted by AIC in China's different regions;
- Assisted a multinational instrument manufacturer in the investigation against its management and technical employees regarding non-competition issues.

Honors

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Social Positions

- Arbitrator, Shanghai Arbitration Commission
- Master of Laws (M.L.) Practical Tutor at the School of Law, Shanghai International Studies University
- Member, the 12th Shanghai Bar Association's International Investment and Belt and Road Professional Committee

Education

LL.M., Georgetown University

LL.B., Shanghai International Studies University

Admissions

- PRC Bar
- New York State Bar

Language

Chinese、English